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10/564,667	01/13/2006	Ernst Kraenzler	3476	3314

7590
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EXAMINER

GRANT, ALVIN J

ART UNIT	PAPER NUMBER
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3723

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 4/27/09 has been recorded.

Specification

2. **The abstract** of the disclosure is objected to because of the following discrepancies:

- In line 1, change “Summary” to read, “Abstract”.
- In lines 5 and 6, delete “It is provided that.....and 25 mm.” and insert the following sentence, beginning in line 4, “The first fastening means is located on a partial circle (54) with a radius (56) of between 12 mm and 25 mm”.

Correction is required. See MPEP § 608.01(b).

In the specification:

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- Page 1, lines 4 and 5, delete "according to the definition of the species of claim 1".
- Page 1, line 7, delete "according to the species of claim 11".
- Page 2, line 1, the phrase "sufficient working material" is awkwardly and confusingly worded.
- Page 3, lines 3 and 4, change "with a not-shown motor supported in a housing" to read, "with an electric motor (not shown) supported in the housing".
- Page 3, line 9, change "body 18 - shown in Figure 1- of insertion" to read, "body 18, shown in Figure 1, of insertion".
- Page 3, line 22, change "hub 16 – and with it, entire insertion tool 12 - drops" to read, "hub 16, and with it, entire insertion tool 12, drops."
- Page 5, line 1, the phrase "In tangential direction" is awkwardly and confusingly worded.

Claim Objections

3. **Claims 1, 10-13, 18-27, 33 and 34** are objected to because of the following informalities:

- **Claim 1**, in the penultimate and last lines, "which is intended to alleviate a releasing of the insertion tool" to read, "which facilitates the releasing of the insertion tool".

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- **Claim 10**, lines 2 and 3, change “means (20) – located on a second partial circle – for fastening” to read, “means (20), located on a second partial circle, for fastening”.
- **Claim 11**, lines 23 and 24, change “which is intended to alleviate a releasing of the insertion tool” to read, “which facilitates the releasing of the insertion tool”.
- **Claim 12**, line 7, change “(56)dimensioned” to read, “(56) dimensioned”.
- **Claim 13**, in the last line, change “particular at least” to read, “preferably at least”.
- **Claims 18-27 and 34**, change "radially inward" to read, "radially inner".
- **Claim 33**, line 2, change “fastening mean” to read, “fastening means”.
- **Claim 34**, change “radially outward” to read, “radially outer”.
- **Claim 34**, line 25, change “outward region” to read, “outer region”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 8 and 31-34** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 8 and 31-33 recite the phrase “tangential direction”, which is awkwardly and confusingly worded.

Claim 33, lines 6-7; **and claim 34**, lines 6-7, the phrase “enables use with sufficient working material” is awkwardly and confusingly worded.

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 11, the art of record considered as a whole alone or in combination neither anticipates nor renders obvious an insertion device having a fastening means includes a blocking element that includes a stop provided to limit a releasing motion of the tool and a recess that facilitates the releasing of the tool.

7. **Claims 8, 31 and 32** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. **Claims 33 and 34** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. **Claims 1-5, 7 and 9-30** are allowed.

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Response to Arguments

10. Applicant's arguments see pages 12-16, filed 4/27/09, with respect to newly amended have been fully considered and are persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/

Examiner, Art Unit 3723